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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: SpectraLink's Ex Parte Comments in RM-8609

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, 47 C.F.R. § 1.1206(a)(1) (1994), SpectraLink Corporation ("SpectraLink") hereby submits an original and one copy of these *ex parte* comments in RM-8609.

Any questions concerning this filing should be directed to the undersigned.

Sincerely,



Margaret M. Charles
Gene DeJordy

Attachment

cc: Bruce Franca (FCC)
Julius Knapp (FCC)
John Reed (FCC)
Thomas Ohlsson (SpectraLink)
Andrew D. Lipman, Esq.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20580

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MAY 18 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Amendment of Part 15 of the
Commission's Rules to Reduce the
Spectral Occupancy of Frequency
Hopping Spread Spectrum Devices

RM-8609

EX PARTE COMMENTS OF
SPECTRALINK CORPORATION, INC.

SpectraLink Corporation ("SpectraLink"), by its undersigned counsel and pursuant to Section 1.1206(a)(1) of the Commission's Rules, 47 C.F.R. § 1.1206(a)(1), submits these *ex parte* comments in the above-captioned rulemaking proceeding. In its Petition for Rulemaking ("Petition"), SpectraLink proposed an amendment of the Part 15 rules to facilitate the co-existence of Part 15 devices and Automatic Vehicle Monitoring/Location and Monitoring Service ("AVM/LMS") systems operating in the 902 - 928 MHz band. Specifically, SpectraLink requested that Section 15.247(a)(1)(i) and Section 15.247(b) of the Commission's Rules be amended to provide Part 15 operators the option of reducing the spectral occupancy of their spread spectrum devices by hopping over a minimum of 13 MHz instead of 26 MHz of bandwidth. SpectraLink argued that this added flexibility would permit, but not require, Part 15 operators to operate over only a portion of 902 - 928 MHz band and avoid spectrum allocated exclusively to the highly sensitive multilateration AVM/LMS systems. Commenters in this proceeding unanimously agreed that the significant public interest benefits of SpectraLink's proposal warrant amending the Commission's Rules.

Metricom, Inc. ("Metricom"), however, in its reply comments, raised for the first time certain issues related to SpectraLink's Petition. As a threshold matter, Metricom's reply comments are untimely because they raise issues that were not addressed in the original comments. Accordingly, Metricom's reply comments should be disregarded.^{1/} Notwithstanding Metricom's untimely reply comments, SpectraLink submits these *ex parte* comments to address the issues raised by Metricom.

METRICOM'S CONCERNS SUGGEST A FUNDAMENTAL MISUNDERSTANDING OF THE RATIONALE UNDERLYING SPECTRALINK'S PROPOSAL

As a preliminary matter, SpectraLink's proposal to reduce the number of hopping frequencies is not mandatory. Rather, the proposal merely provides an option to Part 15 operators to design their equipment to frequency-hop over only the spectrum within the 902 - 928 MHz band that is not allocated to AVM/LMS, thereby allowing Part 15 and AVM/LMS operators to coexist peacefully .

In its reply comments, Metricom contends that because SpectraLink will use indoor antennas for its wireless telephone system, under the Commission's interference presumption criteria, it will be protected from interference claims from LMS operators.^{2/} Metricom therefore concludes that the rationale for SpectraLink's Petition does not justify the relief requested. Metricom is correct in recognizing that the Commission provides Part 15 operators an absolute presumption against liability for interference to a multilateration LMS system if they (i) operate

^{1/} Section 1.415(c) of the Commission's Rules provide that "[a] reasonable time will be provided for filing comments in reply to the original comments. . ." 47 C.F.R. § 1.415(c). Metricom's reply comments do not address any matters discussed in the original comments.

^{2/} Metricom Reply Comments at ¶ 4.

in accordance with the Part 15 Rules and (ii) do not employ outdoor antennas.^{3/} Metricom fails to recognize, however, that the peaceful coexistence of Part 15 devices and AVM/LMS systems cannot be based solely upon the "presumption" of non-interference. While the presumption of non-interference addresses who (*i.e.*, AVM/LMS or Part 15) has primary rights to use the spectrum, it does not address the practical operational issues raised by AVM/LMS and Part 15 operators occupying the same spectrum.

SpectraLink's proposal addresses the practical operational issues raised by AVM/LMS and Part 15 operators sharing spectrum in the 902 - 928 MHz band by proposing a mechanism through which Part 15 and AVM/LMS operators will be able to coexist peacefully. For example, if an AVM/LMS operator uses a transmitter/antenna on or close to a building in which a Part 15 operator provides a service using an indoor antenna, the Part 15 operator, although technically presumed not to cause interference to AVM/LMS operations, would likely find itself in the midst of an interference controversy. Thus, rather than dealing with this situation after one service experiences harmful interference, the SpectraLink proposal would allow Part 15 operators, who provide a service in the vicinity of an AVM/LMS system, to design their equipment to hop over only the frequencies in the 902 - 928 MHz band that are not used by an AVM/LMS operator. SpectraLink submits that this proactive approach will allow Part 15 and AVM/LMS operators to coexist peacefully and continue to provide a valuable service to the public.

^{3/} 47 C.F.R. § 90.361; *see also Amendment of Part 90 of the Commission's Rules To Adopt Regulations for Automatic Vehicle Monitoring Systems*, FCC 95-41, ¶ 36 (released February 6, 1995).

Metricom also contends that SpectraLink's proposal will lead to a "bunching of operations in the band" and that such "bunching" of operations is not necessary.^{4/} Metricom further states that:

The premise of SpectraLink's Petition appears to be that continued operation across the entire 26 MHz currently is no longer feasible because a problem exists with spread spectrum operations being able to coexist with other services. Other than the well-documented problems with LMS operations, this is simply not the case.^{5/}

Metricom misunderstands the fundamental premise of SpectraLink's Petition. As explained above, SpectraLink's proposal simply provides Part 15 operators the option to reduce the spectral occupancy of their spread spectrum devices to avoid AVM/LMS operations in the 902 - 928 MHz band. SpectraLink's proposal would not prohibit Part 15 operators from "continued operation across the entire 26 MHz" band, but, rather, would allow Part 15 operators to take a proactive approach to addressing "the well-documented problems with LMS operations" by limiting their operation to the unoccupied portion of the band. Further, as explained in SpectraLink's Petition, reducing the minimum hopping frequencies from 50 to 25, in conjunction with reducing the maximum authorized transmitter output power from 1 Watt to 500 mWatt, would not increase the power spectral density of the spread spectrum operations.^{6/}

Metricom also argues that if spread spectrum devices in the 902 - 928 MHz band operate within only 13 MHz of the available band, it will create "an exponential problem, not a linear problem, due to the statistical nature of systems' response to interference/collisions."^{7/} This

^{4/} Metricom Reply Comments at ¶ 5.

^{5/} *Id.*

^{6/} See SpectraLink's Petition at 3.

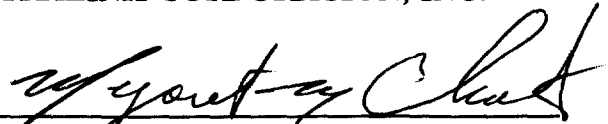
^{7/} Metricom Reply Comments at ¶ 6.

argument is equally without merit. SpectraLink's proposal would not create an exponential interference problem because Part 15 devices within the same building or area would not necessarily limit their operation within only 13 MHz of the available band. Under SpectraLink's proposal, Part 15 operators within the same building or area could continue to operate over the entire 26 MHz of spectrum, or could design their equipment in a manner that avoids interference/collisions to AVM/LMS operators or other Part 15 devices. SpectraLink's proposal would therefore facilitate coexistence between AVM/LMS and Part 15 operators without adversely affecting the coexistence between Part 15 operators, but would, in fact, facilitate the coexistence between Part 15 operators.

In light of the overwhelming support for the proposed rule changes, SpectraLink submits that the Commission should expeditiously adopt the proposed rule changes. Alternatively, the Commission should expeditiously adopt a Notice of Proposed Rulemaking to amend the Part 15 rules as proposed by SpectraLink.

Respectfully Submitted,

SPECTRALINK CORPORATION, INC.



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Dated: May 18, 1995